HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.2779 of 2007

ORDER:

Heard learned counsel for petitioner and Government Pleader for Revenue and Assignment.

The writ is for Mandamus to forbear the respondents from interfering with peaceful possession and enjoyment of petitioner in an extent of Ac.5.00 cents in Sy.No.37/2 of Gopanapalli Village, Serilingampalli Mandal, R.R.District without following the procedure stipulated by law.

Respondent No.1 filed counter affidavit denying the actual and physical possession of petition land by the petitioner. The writ petitioner joined issue by filing reply together with photographs evidencing the possession of petitioner *vis-a-vis* Ac.5.00 cents in Sy.No.37/2 of Gopanapalli Village, Serilingampalli Mandal, R.R.District.

Learned Government Pleader contends that the land covered by Sy.No.37 is Government land and was assigned in favour of a beneficiary and the writ petitioner claims to have purchased the same through a sale deed contrary to the provisions of Act 9 of 1977.

This Court could have considered the stand of learned Government Pleader, had it been a case where an order passed by the authorities is subjected to judicial review. The prayer is limited not to interfere with petitioner's possession except by recourse to law.

Without going into merits, Writ petition is disposed of that the possession of petitioner to the extent of Ac.5.00 in Sy.No.37/2 of Gopanapalli Village, Serilingampalli Mandal shall not be disturbed except in accordance with law. It is clarified, in view of the order in this writ petition is restricted to the property in an extent of Ac.5.00 cents in Sy.No.37/2 of Gopanapalli village, Serilingampalli Mandal, R.R.District covered by the writ petition and none else. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall

stand closed.

_____

S.V. BHATT, J

Date: 17.09.2014
KLP